

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**October 1, 1997**

**DIVISION ONE**

B105724      McLaughlin                      (Not for Publication)  
                 v.  
                 Gentile  
                 Santa Monica Community College District

The judgment is reversed. The case is remanded for a substantive hearing as provided by statute on the issues of evaluation and retreat rights, if any, of appellant. Costs are awarded to the appellant.

Dunn, J. (Assigned)

We concur:    Spencer, P.J.  
                                 Ortega, J.

B105818      Unetco Industries Exchange  
                 v.  
                 Homestead Insurance Company

Filed order modifying opinion. (No change in the judgment.)

B110106      Los Angeles County, D.C.S. v. Aubrey S.  
B111662      In re Aubrey S. on Habeas Corpus

Filed order certifying opinion for publication.

October 1, 1997-Continued

DIVISION TWO

[illegible]

The Court:

The matter is remanded for sentencing proceedings consistent with the views expressed herein. In all other respects, the judgment is affirmed.

Boren, P.J., Fukuto, J., Nott, J.

B110271      People                                  (Not for Publication)  
v.  
Butler & Daniels

The Court:

The judgments are affirmed.

Boren, P.J., Nott, J., Zebrowski, J.

[illegible]

The Court:

The judgment is affirmed.

Fukuto, Acting P.J., Nott, J., Zebrowski, J.

DIVISION TWO (Continued)

B093616      Georgantones      (Not for Publication)

v.  
Auspitz, et al.

The order granting the preliminary injunction is affirmed. The order denying the petition to arbitrate is reversed. Each party to bear their respective costs on appeal.

Nott, J.

We concur:    Boren, P.J.  
                    Zebrowski, J.

B106737      Kamine, Steiner & Ungerer      (Not for Publication)

v.  
Chu

The judgment is affirmed. Respondents are awarded costs on appeal.

Nott, J.

We concur:    Fukuto, Acting P.J.  
                    Ito, J. (Assigned)

B104587      Rhee      (Not for Publication)

v.  
Billa Vista Stable

The judgment is reversed. Appellant is awarded costs on appeal.

Nott, J.

We concur:    Boren, P.J.  
                    Fukuto, J.

DIVISION THREE

B103869      Aracely Galvan, et al.      (Not for Publication)

v.

Jacinto Lam, M.D. et al.

The order is affirmed.

Aldrich, J.

We concur:    Croskey, Acting P.J.  
                  Kitching, J.

B109595      Los Angeles County, D.C.S.      (Certified for Partial Publication)

v.

Belinda G.

The order is affirmed.

Aldrich, J.

We concur:    Klein, P.J.  
                  Kitching, J.

B102016      County of Los Angeles Dept. of Health Services      (Not for Publication)  
B104798      v.

Civil Service Commission

The judgment of the trial court of March 13, 1996 denying the Department's petition for writ of mandate is affirmed (Appeal B102016).

Aldrich, J.

We concur:    Croskey, Acting P.J.  
                  Kitching, J.

DIVISION THREE (Continued)

B100098 Eugene L. Fisher (Not for Publication)

v.

South Coast Air Quality Management District, etc. et al.

Judgment in favor of the District is affirmed. The parties are to bear their own costs on appeal.

Aldrich, J.

We concur: Croskey, Acting P.J.  
Kitching, J.

DIVISION FOUR

B096392 Boyles (Not for Publication)

v.

Lockheed California Company

The judgment is affirmed.

Baron, J.

We concur: Vogel (C.S.), P.J.  
Epstein, J.

B101386 Shirilla (Not for Publication)

v.

Institute of Management Resources

The judgment is affirmed.

Baron, J.

We concur: Vogel (C.S.), P.J.  
Epstein, J.

October 1, 1997-Continued

DIVISION FOUR (Continued)

B094267      Muldoon et al.      (Not for Publication)

v.  
Peck/Jones Construction Corporation

The judgment is affirmed.

Baron, J.

We concur:   Epstein, Acting P.J.  
                     Hastings, J.

B105274      Anna Maria Sistare-Meyer      (Certified for Partial Publication)

v.  
Young Men's Christian Association of Metropolitan Los Angeles et al.

The judgment is affirmed.

Baron, J.

We concur:   Vogel (C.S.), P.J.  
                     Epstein, J.

DIVISION FIVE

Court convened at 9:00 A.M.

Present: Turner, P.J., Grignon, J., Godoy Perez, J., and Zaida G. Heraldez, Deputy Clerk.

Each of the following:

B106556 People v. Higuera  
B106943 People v. Cooper  
B104145 People v. Dyas  
B110475 People v. Pruitt  
B113948 Ronald T. v. SCLA (DCS)  
B105469 People v. Conner

Argument waived, cause submitted.

DIVISION FIVE (Continued)

B105413     The People  
              v.  
              Carlos Chevalier

Merits:

Argued by Susan S. Bauguess for appellant and by Andrew D. Amerson, Deputy Attorney General, for respondent. Cause submitted.

Court recessed.

The Court reconvened at 10:00 A.M.

Present: Turner, P.J., Grignon, J., Godoy Perez, J., and Zaida G. Heraldez, Deputy Clerk.

Each of the following:

B111115 DCS v. Oscar R.  
B111293 People v. Kevin Fitzgerald

Argument waived, cause submitted.

B107814     Sheri L. Dempsey  
              v.  
              3M Developers et al.

Merits:

Argued by Geoffrey S. Wells for appellant and by Herbert N. Wiggins and Leslie M. Price, Jr., for respondents. Cause submitted.

B107864     Liberty Mutual Fire Insurance  
              v.  
              ADT Security Systems Inc.

Merits:

Argued by Harvey Fruman for appellant and by Cynthia S. Papsdorf for respondent. Cause submitted.

DIVISION FIVE (Continued)

B106130     People  
              v.  
              Arthur Hernandez

Merits:

Argued by Barbara O'Neill Ferris for appellant and no appearance for respondent. Cause submitted.

Court recessed.

The Court reconvened at 11:00 A.M.

Present: Grignon, Acting P.J., Armstrong, J., Godoy Perez, J., and Zaida G. Heraldez, Deputy Clerk.

Each of the following:

B106547 People v. Galloway  
B108679 People v. Avunuua M.  
B106873 People v. Frank Lee  
B103237 People v. Faniagua  
B109868 People v. Delatorre  
B107262 People v. Adams  
B112551 People v. Benjamin T.

Argument waived, cause submitted.

B113334     Bernard B. Masket 1981 Trust  
              v.  
              S.C.L.A.  
              (JDF Pico Properties, r.p.i.)

Merits:

Argued by Lawrence C. Meyerson for petitioner and by Phillip Kaufler for real party in interest and by and no appearance for respondent. Cause submitted.

Court recessed.



DIVISION FIVE (Continued)

The Court reconvened at 1:00 P.M.

Present: Grignon, Acting P.J., Armstrong, J., Godoy Perez, J., and Zaida G. Heraldez, Deputy Clerk.

B101912 Rudy Durand  
v.  
Gary Cohen

Merits:

Argued by Joseph C. Watson for appellant and by Joseph C. Watson for respondent. Cause submitted.

B106581 Charles Carr  
v.  
Southern California Permanente Medical et al.

Merits:

Argued by R. Stephen Bolinger for appellant and by Daniel J. Gonzalez for respondents. Cause submitted.

B103415 Doheny West Homeowners' Association  
v.  
American Guarantee & Liability Insurance

Merits:

Argued by Brian S. Kabateck for appellant and by Joseph C. Gebara for respondent. Cause submitted.

B112652 Robert P. Famularo  
v.  
Grace Del Prete

Merits:

Argued by Gina M. Famularo for appellant and by James T. Perona for respondent. Cause submitted.

Court adjourned.

## DIVISION FIVE (Continued)

[illegible]

The judgment is affirmed.

Godoy Perez, J.

We concur:   Turner, P.J.  
                      Grignon, J.

B100275      The 3250 Wilshire Boulevard Building      (Not for Publication)  
v.  
Everready Security, et al.

The judgment is reversed as to Apcoa and we remand for further proceedings on the damages phase of the trial to determine whether and to what extent 3250 was damaged by Apcoa's breach of its duty to defend. As a result, we reverse the order denying Apcoa's motion for attorney's fees on the sole ground that the motion was prematurely brought. The judgment for Everready is affirmed. Everready to recover its costs on appeal from 3250, while 3250 is to recover its proportionate share of costs on appeal as to Apcoa.

Godoy Perez, J.

We concur: Grignon, Acting P.J.  
Armstrong, J.

B096244      Robert Andrew Lens      (Not for Publication)  
v.  
City of Torrance, et al.

The judgment is affirmed. Each side to bear its own costs on appeal.

Godoy Perez, J.

We concur:   Turner, P.J.  
                      Armstrong, J.

DIVISION SIX

Crim.	People	(Not For Publication)
No.	vs.	
B112447	Oseguerra	

The judgment is affirmed.

Stone, P.J.

We concur: Gilbert, J.  
Yegan, J.

Crim.	People	(Not For Publication)
No.	vs.	
B110316	Andrew R.	

The order under review is affirmed.

Gilbert, J.

We concur: Stone, P.J.  
Yegan, J.

Civil	City of Fillmore et al.	(Not For Publication)
No.	vs.	
B106865	Ventura Regional Sanitation District et al.	

The judgment is affirmed. VRSD is awarded costs on appeal.

Yegan, J.

We concur: Gilbert, Acting P.J.  
Coffee, J.